



Resource Recovery Order under Part 9, Clause 93 of the Protection of the Environment Operations (Waste) Regulation 2014

The Direct Pallets mulch order 2016

Introduction

This order, issued by the Environment Protection Authority (EPA) under clause 93 of the Protection of the Environment Operations (Waste) Regulation 2014 (Waste Regulation), imposes the requirements that must be met by suppliers of Direct Pallets mulch to which 'the Direct Pallets mulch exemption 2016' applies. The requirements in this order apply in relation to the supply of Direct Pallets mulch for application to land as a soil amendment.

1. Waste to which this order applies

1.1. This order applies to Direct Pallets mulch. In this order, Direct Pallets mulch means shredded urban wood residues from the processing of pallets and framing material at Direct Corp Ply Ltd processing facility at 38 Williamson Road Ingleburn NSW 2565. Direct Pallets mulch may contain a maximum of 5% total of:

1.1.1. engineered wood products where only urea formaldehyde, melamine formaldehyde, and melamine urea formaldehyde resins have been used; and

1.1.2. blue pine which has been surface treated with permethrin or bifenthrin.

Direct Pallets mulch does not include source separated garden waste and must not contain asbestos, engineered wood products or preservative treated or coated wood residues other than those described above or any physical contaminants, including but not limited to glass, metal, rigid plastics, flexible plastics, or polystyrene.

2. Persons to whom this order applies

2.1. The requirements in this order apply, as relevant, to any person who supplies Direct Pallets mulch that has been generated, processed or recovered by the person.

2.2. This order does not apply to the supply of Direct Pallets mulch to a consumer for land application at a premises for which the consumer holds a licence under the POEO Act that authorises the carrying out of the scheduled activities on the premises under clause 39 'waste disposal (application to land)' or clause 40 'waste disposal (thermal treatment)' of Schedule 1 of the POEO Act.

3. Duration

- 3.1. This order commences on 15 April 2016 and is valid until 16 April 2018 or until revoked by the EPA by notice in writing.

4. Processor requirements

The EPA imposes the following requirements on any processor who supplies Direct Pallets mulch.

General Requirements

- 4.1. On or before supplying Direct Pallets mulch the processor must ensure that:
- 4.1.1. Direct Pallets mulch contains no more than 5% total of:
- 4.1.1.1. engineered wood products where only urea formaldehyde, melamine formaldehyde, and melamine urea formaldehyde resins have been used; and
 - 4.1.1.2. blue pine which has been surface treated with permethrin or bifenthrin.
- 4.1.2. Direct Pallets mulch does not include source separated garden waste.
- 4.1.3. Direct Pallets mulch must not contain asbestos, engineered wood products, preservative treated or coated wood residues other than those described above or physical contaminants, including but not limited to glass, metal, rigid plastics, flexible plastics, or polystyrene.
- 4.1.4. Direct Pallets mulch is ready for land application prior to transport to a consumer.

Notification

- 4.2. On or before each transaction, the processor must provide the following to each person to whom the processor supplied Direct Pallets mulch:
- 4.2.1. a written statement of compliance certifying that all the requirements set out in this order have been met;
- 4.2.2. a copy of 'the Direct Pallets mulch exemption 2016', or a link to the EPA website where 'the Direct Pallets mulch exemption 2016' can be found; and
- 4.2.3. a copy of 'the Direct Pallets mulch order 2016'.

5. Definitions

In this order:

application or apply to land means applying to land by:

- spraying, spreading or depositing on the land;
- ploughing, injecting or mixing into the land; or
- filling, raising, reclaiming or contouring the land.

consumer means a person who applies, or intends to apply, Direct Pallets mulch to land.

engineered wood products means engineered, painted, treated or composite wood products such as particleboard, oriented strand board, plywood, laminated veneer lumber, glulam or fibreboard that are manufactured with glues, resins, water repellents, fire retardants, fungal inhibitors and/or other chemicals.

preservative treated or coated wood residues means wood residues that are preservative treated with chemicals such as copper chrome arsenate (CCA), high temperature creosote (HTC), pigmented emulsified creosote (PEC) and light organic solvent preservative (LOSP) and/or coated with substances such as varnish or paint.

processor means a person who processes, mixes, blends, or otherwise incorporates Direct Pallets mulch into a material in its final form for supply to a consumer.

source separated garden waste means garden vegetation and plant materials that are segregated at the point of generation and are collected as a separate material stream for processing. Source separated garden waste is limited to materials from kerbside garden waste collections and includes materials such as branches, grass, leaves, plant trimmings, tree stumps and bark.

transaction means:

- in the case of a one-off supply, the supply of a batch, truckload or stockpile of Direct Pallets mulch that is not repeated.
- in the case where the supplier has an arrangement with the recipient for more than one supply of Direct Pallets mulch, the first supply of Direct Pallets mulch as required under the arrangement.

urban wood residues means untreated, unpainted, and uncontaminated urban derived timber and wood material that is collected as a separate material stream for processing. Urban wood residues include materials such as off-cuts, saw dust, wood shavings, packaging crates and pallets.



13.4.16

Manager Waste Strategy and Innovation
Environment Protection Authority
(by delegation)

Notes

The EPA may amend or revoke this order at any time. It is the responsibility of each generator and processor to ensure it complies with all relevant requirements of the most current order.

In issuing this order, the EPA is not in any way endorsing the supply or use of this substance or guaranteeing that the substance will confer benefit.

The conditions set out in this order are designed to minimise the risk of potential harm to the environment, human health or agriculture, although neither this order nor the accompanying exemption guarantee that the environment, human health or agriculture will not be harmed.

Any person or entity which supplies Direct Pallets mulch should assess whether the material is fit for the purpose the material is proposed to be used for, and whether this use may cause harm. The supplier may need to seek expert engineering or technical advice.

Regardless of any exemption or order provided by the EPA, the person who causes or permits the application of the substance to land must ensure that the action is lawful and consistent with any other legislative requirements including, if applicable, any development consent(s) for managing operations on the site(s).

The processor must implement procedures to prevent the presence of engineered wood products or preservative treated or coated wood residues other than those described above and/or physical contaminants in Direct Pallets mulch. These procedures must be formally documented. However, as noted in this order, Direct Pallets mulch must not contain any asbestos.

The supply of Direct Pallets mulch remains subject to other relevant environmental regulations in the POEO Act and Waste Regulation. For example, a person who pollutes land (s. 142A) or water (s. 120), or causes air pollution through the emission of odours (s. 126), or does not meet the special requirements for asbestos waste (Part 7 of the Waste Regulation), regardless of this order, is guilty of an offence and subject to prosecution.

This order does not alter the requirements of any other relevant legislation that must be met in supplying this material, including for example, the need to prepare a Safety Data Sheet. Failure to comply with the conditions of this order constitutes an offence under clause 93 of the Waste Regulation.